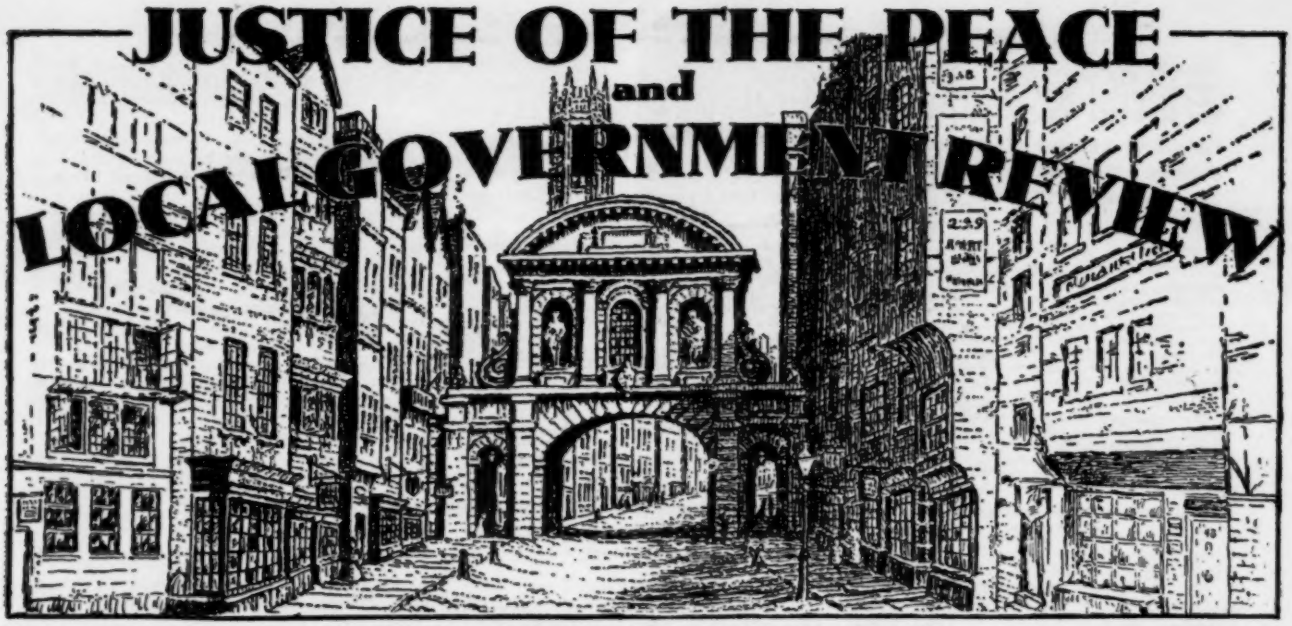
JUSTICE OF THE PEACE and LOCAL GOVERNMENT REVIEW



VOL. CXVII LONDON: SATURDAY, AUGUST 22, 1953 No. 34

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REPORTS

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* 10 *a.m. Thursday*

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

INQUIRIES

YORKSHIRE DETECTIVE BUREAU T. E. Hoyland. **Ex-Detective Sergeant.** Member of the B.D.A., F.B.D., Associated American Detective Agencies, and the World Secret Service Association. Confidential enquiries ; Divorce, etc. ; Over 600 agents in all parts of the World. Over twenty-five years C.I.D. and Private Detective Experience at your service. 1, Mayo Road, Bradford. Tel. : 26823 day or night. Established 1945.

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SURREY PROBATION AREA

Appointment of Full-time Male Probation Officers

APPLICATIONS are invited for appointment as probation officers in the Surrey Probation Area.

The appointments will be subject to the Probation Rules, and the salaries will be in accordance with those Rules, subject to superannuation deductions.

Written applications, with the names and addresses of not more than three persons to whom reference may be made, should be submitted not later than September 7, 1953. Forms of application may be obtained from the undersigned.

E. GRAHAM,
Secretary of the Surrey
Probation Area Committee.

County Hall,
Kingston-upon-Thames.

BOROUGH OF BEDDINGTON AND WALLINGTON

Deputy Town Clerk

APPLICATIONS invited from Solicitors with Local Government experience for above appointment. Salary £845 rising to £1,055. Forms of application and further particulars obtainable from undersigned. Closing date September 7, 1953.

A. B. BATEMAN,
Town Clerk.

Town Hall,
Wallington, Surrey.

HUNTINGDONSHIRE COUNTY COUNCIL

Legal and General Clerk

APPLICATIONS are invited for the appointment of a Legal Assistant (unadmitted) in the Clerk's Department, to undertake conveyancing and county court work and such other duties as may be allotted. Shorthand-typing desirable. Previous local government experience not essential.

Salary within Grade I A.P.T. (£465×£15—£510) according to qualifications. The post is superannuable. Written applications, with full details and names of two referees, should reach the undersigned by August 29, 1953.

JOHN KELLY,
Clerk of the Council.

County Buildings,
Huntingdon.

BOROUGH OF ROYAL LEAMINGTON SPA

Deputy Town Clerk

APPLICATIONS are invited from solicitors with local government experience. Grades A.P.T. IX and X.

The commencing salary will be fixed according to qualifications and experience, and housing accommodation will be made available.

Further particulars can be obtained from me. The closing date for applications is September 4, 1953.

JAMES N. STOTHERT,
Town Clerk.

Town Hall,
Royal Leamington Spa.
August 12, 1953.

CITY OF NOTTINGHAM

Deputy Town Clerk

APPLICATIONS are invited from Solicitors, with local government experience, for the post of Deputy Town Clerk at a salary of £2,000 per annum.

Applications, with the names of two persons to whom reference may be made, must reach me in envelopes endorsed "Deputy Town Clerk" by the last post on August 31, 1953.

T. J. OWEN,
Town Clerk.

The Guildhall,
Nottingham.

NOTTINGHAMSHIRE MAGISTRATES' COURTS COMMITTEE

Appointment of Second Assistant to the Clerk to the Justices for the Borough of Mansfield and the Mansfield Petty Sessional Division

APPLICATIONS are invited for the above full-time appointment. Applicants must have a thorough knowledge of the work of a Justices' Clerk and be competent typists and should be capable of acting as Clerk to the Court if required. The salary will be in accordance with Grade IV of the A.P.T. Division of the National Joint Council Scale, namely, £555×£15 to £600 per annum and will be subject to review in the event of a salary award or agreed recommendations being subsequently formulated by any joint negotiating body set up for the purpose of reviewing the salaries of Justices' Clerks' Assistants. The appointment which is superannuable will be subject to one month's notice on either side and the successful candidate will be required to pass a medical examination.

Applications, stating age and experience, together with the names and addresses of two persons to whom reference may be made, must reach my office not later than September 11, 1953.

K. TWEEDALE MEABY,
Clerk of the Magistrates' Courts
Committee.

Shire Hall,
Nottingham.

CITY OF SALFORD MAGISTRATES' COURTS COMMITTEE

APPLICATIONS are invited for the post of assistant in the office of the Clerk to the Justices. Applicants should have a thorough knowledge of the work of a Justices' Clerk's office, especially of that branch dealing with fines and fees and collecting officer accounts.

The appointment is superannuable and the person appointed will be required to pass a medical examination.

Salary applicable—General Scale of the National Joint Council.

Applications, giving age, particulars of present duties and previous experience, together with copies of two recent testimonials, should reach the undersigned not later than August 29, 1953.

J. W. REAVEY,
Clerk to the Justices.

Magistrates' Courts,
Town Hall,
Salford, 3.

WORCESTERSHIRE CHILDREN'S COMMITTEE

Children's Welfare Officer (Male)

EXPERIENCE necessary of work in a children's department, particularly juvenile court work, after-care of older boys and work with problem families ; Social Science Certificate or Home Office Certificate in Child Care, or recognized equivalent preferred.

Duties include attendance at courts, after-care of older boys and rehabilitation and preventive work, etc.

Salary, A.P.T. Grade 2 (£495×£15 to £540 per annum).

Applications on forms from the Children's Officer, 28, Foregate Street, Worcester, to be returned to her within fourteen days of this advertisement. (I.66.)

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

Guardianship of Infants: Maintenance

Section 5 (*c*) of the Summary Jurisdiction (Married Women) Act, 1895, which deals with the making of a maintenance order, states that it shall be for "such weekly sum . . . as the court shall, having regard to the means both of the husband and wife consider reasonable."

By contrast, s. 3 (2) of the Guardianship of Infants Act, 1925, which authorizes the making of an order upon the father of an infant to pay periodically to the mother towards the maintenance of an infant, says that it shall be for "such . . . sum as the court having regard to the means of the father may think reasonable."

In *Taylor* v. *Taylor* (*The Times*, July 31), which was an appeal from a decision of a metropolitan magistrate, Roxburgh, J., held that in awarding maintenance under s. 3 (2), *supra*, the court was entitled to take into consideration the means of the infant's mother.

It is perhaps unfortunate that the wording of s. 3 (2) did not follow that of the Act of 1895, but it is satisfactory that it should have been decided that a court is in law entitled to determine the question upon what must be considered reasonable and common-sense lines.

Cruelty and Insanity

Judges have not always agreed upon the question of insanity as a defence to a petition for divorce or judicial separation on the ground of cruelty and how far the McNaughton Rules should be applied in such proceedings.

The subject came up for review by the Court of Appeal in *Swan* v. *Swan* (*The Times*, July 30).

In the course of his judgment, Hodson, L.J., dealt with a question of condonation and then proceeded to the question of acts of cruelty alleged to have been committed when, according to the findings of the Commissioner, the husband did not know what he was doing. After examining the authorities, the Lord Justice said that in his opinion the Commissioner was right in refusing to find the husband guilty of cruelty in respect of those acts, but wrong on a question of condonation of earlier acts of cruelty, and therefore he would allow the wife's appeal.

Somervell, L.J., who agreed, said he had come to the clear conclusion that if the respondent did not know the nature of his acts they could not be relied on as establishing "treating with cruelty." But he would have thought that if the respondent knew the nature of his acts it would be no defence to say that he or she did not know they were wrong.

Jenkins, L.J., who also agreed said he was not satisfied that the position would be the same if the state of the man's mind was such that while he did know what he was doing he did not know that what he was doing was wrong, and he would prefer to reserve that question for further consideration in a case where it was necessary to the decision.

Justices may on rare occasions be faced with a defence of insanity as an answer to a summons for persistent cruelty. As the authorities, including this latest, show, such questions may be unusually difficult, and seem eminently suitable to be decided by judges of the superior courts, either on a petition or by appeal from a magistrates' court. It is worth remembering that by s. 10 of the Summary Jurisdiction (Married Women) Act, 1895: "If in the opinion of a court of summary jurisdiction the matters in question between the parties or any of them would be more conveniently dealt with by the High Court the court of summary jurisdiction may refuse to make an order under this Act. . . ."

The Law as to Indecent Assault

The Divisional Court felt bound to uphold the decision of the justices in dismissing a charge of indecent assault brought against a father who had induced his young daughter to handle him indecently. The justices rightly followed the decision in *Fairclough* v. *Whipp* [1951] 2 All E.R. 834; 115 J.P. 612, there having been no force or hostile act.

We hope that observations of the learned judges in the case (*Director of Public Prosecutions* v. *Rogers* [1953] 2 All E.R. 644), will be noted, and that the possibility of appropriate legislation to cover such cases will be considered.

The Lord Chief Justice observed: "However much we may regret that we cannot punish him for doing an act which deserves the reprobation of every decent man, we feel that the only thing we can do is to say that the justices came to a right decision and reluctantly dismiss this appeal." Parker, J., said: "I feel constrained to agree but with extreme reluctance."

Leeds Juvenile Court

The position with regard to juvenile crime in the City of Leeds, as set out in the report of the juvenile court panel, is that there is an increase in both indictable and summary offences.

Compared with the year 1951 there has been an increase of 246 in the number of persons dealt with by the Juvenile Court during the past year, namely, 1,262 as against 1,016. The indictable cases show an increase of 160, the non-indictable cases an increase of eighty-two and there were four more applications than in 1951. The average for the past five years is 1,116.

The difficulty in securing accommodation in approved schools is greatest in the case of Catholic boys: the waiting time in respect of non-Catholics has averaged twenty-two days and Catholics forty-seven days.

There is encouraging news of a new attendance centre, of which the court has taken advantage. It deals with boys aged twelve but under seventeen years of age.

The scheme of occupation and instruction includes provision for physical exercise under discipline and useful disciplinary tasks; boys who respond well to treatment will be given some constructive occupation appropriate to their age, for example,

carpentry and cycle maintenance and other simple handicrafts. The scheme also provides for instruction in such subjects as first aid, accident prevention and physical recreation.

Members of the panel who have visited the centre were greatly impressed by the manner in which the police officers administering the centre, perform their duties. A high order of discipline was evident, together with an appreciation of each boy as an individual. It is known that some of the boys later joined a youth organization in which one of the police officers takes an active interest. It is realized that a venture of this sort relies for its success almost completely upon the character and personality of the persons in charge.

Southampton Probation Report

One branch of the work of probation officers which is on the increase is the after-care of persons released from custody. Probation officers have welcomed this type of work, while admitting that it is difficult and often discouraging. In his report for the year ended May 31, Mr. John R. Edwards, senior probation officer for the county borough of Southampton, records an increase in prison and borstal after-care work, and adds that the probation officer is occasionally invited to visit a prison where a man is lodged to become acquainted with him and share in plans for his future, and similarly with youths in borstal training. As many youths in borstal have already been on probation, it means that contact is maintained to a certain extent throughout their training by correspondence and occasional visits. A similar relationship is maintained where, as in the case of one approved school the probation officer is nominated for the after-care of all boys in the district. It is satisfactory to read that ex-prisoners, particularly those from terms of corrective training, have settled down in Southampton, made good social contacts, gained and remained in employment and have completed their licences satisfactorily.

Dealing with the matrimonial work of probation officers the report says: "The significant feature of this work during the year has been that many cases have been referred to us by outside agencies and in particular quite a number of doctors have sought, on behalf of their patients, our help and advice. . . .

The two hundred cases quoted as reconciled have only been adjudged so when they were still together at the end of a period of not less than six months, and when it is remembered that most of these cases represent not merely husbands and wives but fathers and mothers with children in their care, there might be some cause for pride in so large a number of cases being saved from separation and perhaps divorce and the family unit kept intact."

Suspending the Issue of a Warrant

A technical point of some interest was raised recently in a metropolitan magistrates' court concerning the enforcement of an adjudication made under s. 8 (7) of the Criminal Justice Act, 1948. The circumstances which gave rise to this were that the defendant had pleaded not guilty to a charge of larceny, but was found guilty and sentenced to imprisonment for two months; the court was then asked to deal with the defendant under the Criminal Justice Act for an offence of assault on a police officer for which he had been conditionally discharged at another court, and in respect of this offence he was sentenced to imprisonment for seven days. The defendant immediately gave notice of appeal against the conviction in respect of the charge of larceny, but did not lodge a similar notice in respect of the sentence of seven days—with which he was apparently not dissatisfied—and accordingly the court had to consider the proper course to be adopted in respect of this latter sentence. In this case the question was solved by the defendant who, during the lunch adjournment, consulted his solicitor, and was advised to lodge an appeal against the sentence in respect of the offence for which he had been conditionally bound over. However, it is easy to imagine circumstances in which this simple solution would not be presented, since, *e.g.*, a defendant might well fear that on appeal the sentence would be increased or made consecutive to the first.

Since the lodging of a notice of appeal does not, generally speaking, in itself, affect any legal consequences flowing from the conviction, it seems that the court could properly issue the warrant of commitment in respect of the original offence. Nevertheless it would clearly seem desirable to avoid this course if possible, and the question arises whether the court has power to postpone issuing the warrant of commitment. On this there seems to be a dearth of authority. Section 65 of the Magistrates' Courts Act, 1952, specifically provides that a court which has power to issue a warrant of commitment under Part III of that Act may postpone the issue of the warrant, but Part III clearly applies only to cases where there is a monetary penalty, and not where a sentence of imprisonment has been imposed. No assistance is given by the Magistrates' Courts Rules as to the time when the warrant of commitment shall issue since it is clearly necessary in normal circumstances that the warrants shall be drawn up immediately. It would seem then that it is doubtful if the court has power to refrain from issuing the warrant of commitment, but in practice a court might decide that the proper course would be to refrain from issuing the warrant, and to leave the prosecutor, if he thought fit, to apply for an order of *mandamus*.

Crime and Punishment

Writing earlier this year of crime and punishment, we remarked that modern prison treatment cannot be as much of a deterrent as was prison a hundred years ago and earlier. The march of time and of public opinion has swept away the primitive conditions and supposedly "reformatory" efforts depicted in *Never too late to Mend*; even before the second world war the prison rules contemplated more coercion than can be applied today. As things are now, when a man has once got over the initial shock of being in prison, there is not much to be said against it. Even loss of liberty does not mean more than being deprived of female company, alcohol and tobacco, with a prohibition upon his going beyond defined limits of space; within those limits, he moves from his dwelling to his work place, to an eating house, a library, and a cinema, much as most of us do in ordinary life. Almost the only disciplinary powers remaining to the prison governor, the visiting committee, or the board of visitors, are their power to impose periods of cellular confinement, restricted diet, and forfeiture of remission. These are strictly circumscribed and, in the field of diet, the two forms which occurred until last year in the prison rules, one being intended as distinctly penal, have been greatly modified. That described in the rules as "no. 1 restricted diet" may be ordered by the governor for three days only, and by the visiting committee or board of visitors for fifteen days. It is the "bread and water" of tradition, but even the visiting committee or board of visitors cannot order bread and water for more than three days at a stretch, and while bread and water is the diet the man is not required to work. The alternative, called "no. 2 restricted diet," can be ordered by the governor for fifteen days and by the visiting committee for twenty-eight days. A conference at Winchester held by the Prison Officers' Association, and reported in *The Times*, criticized this diet, and the executive committee of the Association agreed to urge its abolition on the ground that it was no longer a deterrent. As set out in S.I. 1405 of 1952, it does not compare badly in quantity or nutriment with the diet of the ordinary business or professional man, although heavier in starch than he would consume if he was thinking of his figure. It was described by one speaker at

the conference as making the prisoners fat and lazy. The chairman accepted the resolution on behalf of the executive committee, and said that according to his information punishment diet was now seldom awarded. It may be that prison governors have found that it does not serve its purpose. If so, their perennial problem is still harder—the problem of knowing what to do with the prisoner who sets out to defy the prison discipline, and the more numerous prisoners who do not risk open defiance but set themselves to live as comfortably in prison as they can, doing (as they would do outside) the least possible work with one eye open for rewards and the other, or it may be both, for grievances.

Appeal under the Police Pensions Act, 1948

A correspondent has supplied us with a note of an appeal (*Ead* v. *Home Secretary*) heard on April 28, 1953, by Mr. A. W. Cockburn, Q.C., Deputy Chairman of London Sessions, and the Appeals Committee. This appeal was made by a retired policeman under s. 5 of the Police Pensions Act, 1948, against the refusal of the police authority to grant him a supplementary pension under r. 7 of the Police Pensions Regulations, 1949. Mr. Victor Durand, opening on behalf of the appellant, maintained that he was entitled to produce medical evidence to show that the appellant was, in the words of reg. 7, " permanently disabled as a result of an injury received without his own default in the execution of his duty." Mr. J. M. G. Griffith-Jones for the respondent argued that the court were precluded from hearing such evidence ; the police authority had in accordance with reg. 43 referred the medical question to a duly qualified medical practitioner against whose certificate the appellant had appealed under reg. 44 to a medical referee ; subject to the provisions of reg. 45, the decision of a medical referee is under reg. 44 final, and under proviso (*b*) to s. 5 (1) of the Act is binding on a court hearing an appeal ; the only power reg. 45 confers on a court hearing an appeal is that they " may, if they consider that the evidence before the medical authority who has given the final decision was inaccurate or inadequate, refer the decision of that authority to him for reconsideration in the light of such fact as the court . . . may direct."

The Appeals Committee held that it had no jurisdiction to hear the appeal on any ground save that the evidence before the medical referee was either inaccurate or inadequate and adjourned the case until May 8. At the adjourned hearing the appeal was abandoned in view of this ruling, and was accordingly dismissed.

This case demonstrates that a court hearing an appeal under s. 5 of the Police Pensions Act, 1948, has no jurisdiction to review or reverse the decision of the relevant medical authority. The Police Pensions Regulations, 1949, make separate and, as it were, parallel provisions for medical appeals and the court (like the police authority) are bound by the decision of the medical practitioner to whom the medical question is referred in the first instance or, where there has been an appeal against his certificate, by the decision of the medical referee. The case does not touch the jurisdiction of a court to decide appeals on grounds other than medical, *e.g.*, length of pensionable service.

Accidents in the Home

The Inter-departmental Committee on accidents in the home in a recently published report draws attention to the fact that the inexperience of children and the physical disabilities of the elderly account for a very high proportion of the accidents in the home and that the Heating Appliances (Fireguards) Act, 1952, should be an important means of preventing such accidents by the requirement that gas, electric and oil heaters should be provided with guards in accordance with prescribed standards. In the ten years up to 1949, over 60,000 persons died as a result of accidents in the home, and since 1943 there have been each year over 1,000 more fatal casualties in the home than on the roads deplorable as they are. Hospital bodies and local authorities have an important responsibility to see that the risk of accidents to elderly people and children are minimized particularly from falling, and we think those responsible for old people's homes are still too prone to consider it necessary to have highly polished floors on the grounds of hygiene, and seem to forget that these are a real danger to those who live in the Home. Members of local authorities who visit Homes for which they are responsible would do well sometimes to curb the enthusiasm of the staff for polished floors. Hospitals are sometimes to blame for not realizing that a patient getting out of bed on to a slippery floor is very apt to fall possibly resulting in a fatal accident. This is a point to which H.M. coroners find it necessary sometimes to draw attention. The Interdepartmental Committee also draws attention in its report to the need for publicity and propaganda. It hopes that more Home Safety Committees will be established, as recommended by the Royal Society for the Prevention of Accidents. Home accidents are the cause of many admissions to hospital. In one Birmingham hospital, for instance, eighteen *per cent.* of the admissions are so caused involving an estimated annual cost of £52,000. It is thought that the hospital treatment of home accidents may cost the country some £5 millions a year. Clearly all possible action should be taken to lessen the number of accidents in the home both on humanitarian grounds and also to reduce the cost of their treatment.

Hospital Management Committees

When the new National Hospital Service was established, it soon became apparent that it would be useful to have an organization through which hospital management committees could pool their ideas and exchange information for better administration. At one time, there was a feeling in some quarters that the association which was accordingly established might be a source of embarrassment to the Ministry of Health and to the regional hospital boards but it was made clear by the Minister of Health (Mr. Ian Macleod), when speaking at its recent annual meeting, that he was appreciative of the work done by the association and hoped that all the 387 committees would join so that he would be assured that any representations put forward represented the views of them all. In his address the Minister expressed his desire to encourage voluntary effort in the Health Service and for this reason he had removed what he considered to be unnecesary restrictions on the work of leagues of hospital friends both in allowing members of hospital management committees to take part in the work and officials to attend their meetings so as to advise how best the leagues could direct their efforts for the well-being of the patients and the staff. The Minister said that since the restrictions had been removed there had been a very large increase in the number of leagues, but he would not be satisfied until every hospital had its own league or similar body working closely with the hospital management committee. In particular, he wanted more voluntary help in the mental hospitals as he felt that in some parts of the country there are still lingering remnants of the old-fashioned outlook on mental illness which regarded it as something different from bodily illness and as something to be shunned and forgotten. He hoped that hospital management committees concerned with the mental health service would do all that they could to see that voluntary bodies are formed in connexion with these hospitals. His suggestion in this connexion accords with the action taken in Canada to which we recently drew attention. Speaking on the general structure of the hospital service, he said that he was not satisfied that there was exactly the right relationship between the

local authorities and the hospital management committees or that the best way of linking the local people with their hospitals had been found. Another question that needed consideration was the relationship between the hospitals and the local health authorities—between hospital care and domiciliary care. He then referred to the thousands of old people who are occupying hospital beds which could more suitably be used for more acute treatment if the old people could be looked after in their own homes by the domiciliary services. In his view not only a better but a more economical service could be provided by an extension of the domiciliary service, because the cost of domiciliary care was only a fraction of the cost of hospital maintenance and care.

THE PROBATION OFFICER'S REPORT

(In a previous article, the writer endeavoured to show the value of pre-sentence reports by the Probation Officer. It is hoped that some further remarks upon the contents of such reports will be of interest).

Dealing with offenders after their guilt has been established is not an easy task. Several important factors must concern the court: it must see that the community is protected; it must register society's disapproval of the wrongdoer; it must deter him from further offences, and also deter other potential offenders. At the same time, it must take what measures it can to reform him and, if possible, restore him to useful membership of the community.

No doubt, in different cases, one or other of these factors is uppermost in the mind of the court, but each is important and should receive its due emphasis.

Clearly, in coming to its decision, the court must have regard to the gravity of the crime and the frequency with which the prisoner has offended in the past. But there are considerations other than these which will influence its decision. To dispose of the prisoner really wisely, the court must know something about him personally; otherwise it cannot hope to know what is likely to deter or reform him. It is for this reason, that, in many cases, the probation officer should be asked to present a report. The report is not intended to find excuses for the offender, nor to make a case for putting him on probation. Its purpose is to supply information which will assist the court in coming to a wise decision.

What sort of information, then, should the court demand from its probation officer? So far as juvenile courts are concerned, s. 35 of the Children and Young Persons Act, 1933, requires a report on "the home surroundings, school record, health and character of the child or young person", in all but trivial cases. Although offenders in the adult courts are over the magic age of seventeen and reports are not mandatory, it would seem that something not very different is required. Let us consider a typical report to an adult court.

The court will have heard from the police officer brief details of the prisoner's family. The probation officer's report may very well commence with an amplification of this. The court should have a clear picture of the home conditions, should know the ages of the parents or the wife and children, as the case may be, and should be given some indication of the relationships between the offender and his family. These facts may give some insight into the motives behind the commission of the offence and will certainly help in deciding the prospects of the offender responding to reformative treatment.

From the offender's background, it is a logical step to the offender himself. The court must learn something of his personal history. What sort of education has he had? Has he enjoyed good health? And most particularly, so far as the prospects of reform are concerned, has he been in regular employment?

If there have been changes of work, the police will probably have given a list of them. It is for the probation officer to link them up and, if he can, to give significance to what is superficially a meaningless series of changes.

Following this, the court will expect to hear something of the offender's character. This may well be the most important part of the report. The probation officer must try to sketch a picture of the type of person with whom the court is dealing. The actual offence may not have brought this out, though the details of his background and history should already have given some broad indications.

The court must be clear as to whether the man before them is a stable person or if he is neurotic, or even perhaps a psychopath. It should know if he is a leader or a follower; if he is usually law-abiding, or if he habitually associates with criminals. It will want to hear something of his leisure interests; if he is well integrated into the community or if, as is often the case, he is a solitary individual unable to form adequate relationships. Perhaps more important than anything else, the court should be told his attitude to the offence and to society in general and what, in the opinion of the probation officer, are the prospects of reformation. Here it may be useful to give a meaningful interpretation of the previous offences as was done with the employment record.

In conclusion, the court would want to hear the offender's own plans for the future, chiefly where he hopes to live and work. The probation officer would normally be expected to comment upon the practicability of these plans. Where medical investigation or treatment seems to be required, he should indicate the possibilities for this.

With a report such as this, the court, in deciding how to deal with the offender, will really be in a position to carry out its duty to society—and to the offender himself. If the final decision is release on probation, the probation officer will be well equipped to begin supervision, and upon his investigations he will build his plans for rehabilitation. If the court's decision is committal to a penal institution, then the report may still serve a further purpose. There seems no reason why it should not eventually become the custom to forward it to the institution concerned. It would prove very useful to the authorities in their assessment and treatment of the prisoner.

In the United States in recent years, there has been great interest shown in the so-called "prediction factors", by which the prospects of the reform of the offender may be prophesied. It would be wrong to say that anything like a scientific theory has been developed. Perhaps there are too many imponderables; but there is no doubt that certain social and psychological factors seem to appear consistently in the history and character of many offenders amenable to reformative treatment. It may be hoped that one day the probation officer's report will be used to bring out these factors and the courts will be sufficiently experienced to interpret them correctly.

This, however, is in the future. For the present it will be enough if the need for investigation by the probation officer in the adult courts is recognized. Courts should not be satisfied until they are getting really good reports, telling them clearly and concisely exactly what they want to know. Most probation officers will not be satisfied until courts are accustomed to requiring such reports.

CAB DRIVERS AND APPEALS

Unduly wide inferences might be drawn from the decision of the Divisional Court in *R.* v. *Commissioner of Police of the Metropolis, ex parte Parker, The Times*, July 18, 1953. In the first place it looks like a pause in the movement by the High Court to apply the orders, which have replaced the prerogative writs, to decisions by statutory tribunals, but this may be a misleading inference, since the Court seems to have regarded the Home Secretary, and the Commissioner of Police acting by delegation from him, as not exercising a judicial or quasi-judicial power, in withdrawing (or presumably in granting) a hackney carriage driver's licence. Under the Metropolitan Public Carriages Act, 1869, the Secretary of State had a duty to license hackney carriages and drivers, which duty he has delegated to the Commissioner of Police, and his regulations provided that a licence should be granted unless the Commissioner in his discretion considered that the person applying was unfit to hold a licence for reasons set out in the regulations. By reg. 30 of the London Cab Order, 1934, a licence could be revoked or suspended by the Commissioner if he was satisfied that the licensee was not a fit person to hold such a licence.

In the case before the Court, police constables had reported to the Commissioner that one Parker, a licensed driver, was allowing his cab to be used by prostitutes for the purposes of carrying on their trade, and as a result the Commissioner resolved to withdraw the licence, in accordance with reg. 30 above mentioned. Had he simply decided to do that (said the Lord Chief Justice) " it would have been impossible to maintain a contention that the Commissioner had acted in any way judicially. He assented, however, in writing to a proposal by an assistant commissioner that the applicant should be brought before the licensing committee and that he should be confronted with two police constables concerned, and that his licence should be revoked unless anything transpired (*sic*) before the committee which might lead him to alter his decision to revoke the licence."

It does not appear from the newspaper what was " the licensing committee " here mentioned ; it looks as if it was a purely internal piece of Scotland Yard machinery for advising the Commissioner, since the Home Secretary's Order puts the power in the Commissioner's hands, and the whole burden of Lord Goddard's judgment was that the Commissioner individually performed an executive act. " When a person was in the position of a judge or quasi-judge or quasi-judicial tribunal, one would expect to find that some order was made or something in the nature of an order, as for instance a resolution. If there were no such order or resolution there was nothing that the Court could quash. In this case there was no order. The Commissioner being satisfied that the licence should be revoked, simply decided to give the driver an opportunity of being heard. It was impossible to say that when Sir Harold Scott acted alone he was acting in a judicial capacity or was exercising judicial authority."

We do not understand how the Commissioner could withdraw, or revoke, or suspend, a licence without " something in the nature of an order," though the document (or formulated decision, or whatever it was) would not be called a " resolution " when the decision was that of a single person. We are therefore respectfully sceptical about this particular sentence in his lordship's reasoning which, if taken literally, would mean that a decision of a stipendiary magistrate sitting alone could not be brought up on *certiorari*. However, this is by the way. The reasoning does not extend to a parallel decision of a local authority, or committee of a local authority exercising delegated powers, because in that case the decision must be reached by resolution, so that—on Lord Goddard's reasoning—there is something for *certiorari* to take hold of.

One last point before we pass from the language of the judgment to some other and wider reflections suggested by this case. Lord Goddard said : " It was undesirable that an officer whose duty it was in matters of discipline to exercise disciplinary powers should be fettered by threats of orders of *certiorari*," but is this a fair description ?

A hackney carriage driver or proprietor must, in the metropolitan police district, or a borough, or an urban district, hold a licence to exercise his calling, but he is not an employee or servant of the licensing authority or an enlisted man like a soldier or a constable. What happened, according to Parker's counsel in this case, was that the Commissioner (through his subordinates) took adverse statements from two constables and refused to hear a statement from a person who was expected to be favourable to Parker. We await with interest a case where this doctrine about " discipline " is applied (say) under the Police Regulations or Fire Brigade Regulations, which provide elaborately for giving a fair hearing to a man charged with a breach of discipline. Meanwhile, we say that the conception of " discipline " is misconceived, when applied to the relation between a licensing authority and some tradesman who has to hold a licence from that authority, as a prelude to carrying on his trade.

Of the wider reflections which the case seems to us to suggest, the first is that, in the jungle of obsolete statutes through which the proprietor and driver of a hackney carriage in the metropolitan police district have to steer, for the purpose of earning their living, there is no provision for appeal to a court, when a licence is refused or (worse) when an existing licence is revoked or suspended. A legal charge involving sexual morality is scarcely ever made precise in a newspaper account, and even the Lord Chief Justice is not given in *The Times* as stating the charge against Parker with absolute precision. He is said to have allowed his cab " to be used by prostitutes for the purposes of carrying on their trade " ; we imagine the accusation was of allowing them to use the cab as a place in which actual fornication could take place, since a prostitute is as much entitled as a solicitor or judge to hire a cab for getting from her residence to her place of business, and otherwise for getting from one place to another, even if she has a customer with her. We see no reason, however, to doubt that a hackney carriage driver is entitled to refuse to accept a couple of passengers, if he has reason to believe they intend fornication in the cab ; in other words, he has a " reasonable excuse " within s. 53 of the Town Police Clauses Act, 1847, and the corresponding enactments in the metropolitan law. Since fornication is not *per se* an offence against the criminal law, he is presumably not obliged to avail himself of that excuse, but if it can be shown that, so far from doing so, he regularly puts his carriage in a position to be hailed by prostitutes and their customers, and allows fornication to take place therein (for instance, if it can be shown that he regularly drives such couples round and sets the woman down again at her usual pitch in the street), it can certainly be said that he is an unfit person to hold a hackney carriage driver's licence.

But this issue of unfitness, as the law stands, cannot in the metropolitan police district be brought before the courts upon appeal. The Commissioner may, as is shown in *Parker's* case, take away a man's livelihood (and, in such a case, blast his

character) on police evidence not given on oath or tested by cross-examination, and can refuse to listen to evidence tendered on behalf of the licensee. The case suggests an urgent need for giving a licensee whose licence is withdrawn, and an applicant whose licence is refused, an appeal to a magistrates' court, such as is enjoyed by parallel licensees under the Road Traffic Act, 1930.

Provincial law is better here, as it is in some other matters of a "police" nature, in that s. 7 of the Public Health Acts Amendment Act, 1890, does give a right of appeal to Quarter Sessions, for what that may be worth, when an application for a licence by a proprietor or would-be driver of a hackney carriage is refused, or when it is suspended or revoked. (We say "for what that may be worth" because obviously the appeal ought to be to a magistrates' court, as in most matters under the Public Health Act, 1936, an appeal to Quarter Sessions being an illusory remedy for the small man.) On the other hand, a flaw in the provincial law is that a driver may, for example, be convicted as an accessory after the fact to burglary, or he may, although he commits no offence against the law, allow his cab to become a mobile brothel, but his licence will run out its term, because the licensing authority cannot revoke or suspend a hackney carriage proprietor's or driver's licence, except on a second conviction for an offence against the hackney carriage provisions of the Town Police Clauses Act, 1847, of an Act incorporating those provisions, or byelaws made thereunder.

It is true that when the licence runs out it need not be renewed, and a driver who has been convicted of a major offence (such as being an accessory to serious crime) is likely to be sent to gaol and so perforce to cease driving, so that the gap in the power to revoke or suspend a current licence is more apparent than real.

Still, the town council or urban district council ought, we think, to have the power, as has the Commissioner of Police in the metropolitan police district. It should be accompanied by a right of appeal to the magistrates' court, and we do not think the case of *R.* v. *Commissioner of Police*, which we have been discussing, would preclude the issue of *mandamus* or *certiorari* to the local authority which would have to act by resolution and would, in our opinion, be exercising a quasi-judicial and not a "disciplinary" function—whatever this lost adjective may mean.

CHANGES IN THE LOCAL GOVERNMENT SUPERANNUATION SCHEME

[CONTRIBUTED]

The principal object of the Local Government Superannuation Act, 1953, which has just received the Royal Assent, is to authorize the provision of widows' pensions and other benefits in substitution for those now provided under the Local Government Superannuation Act, 1937. A number of miscellaneous amendments of the law relating to local government superannuation have been made at the same time.

The Act is the result of an agreement between representatives of the local authority associations and of the appropriate staff organizations, and of the deliberations of Working Parties appointed by those associations and organizations, which included officials of the Ministry of Housing and Local Government and the Scottish Home Department. Instead of prescribing the new benefits in detail the Act empowers the Minister and the Secretary of State to make Regulations (which are themselves subject to parliamentary approval or, in certain cases, to the annulment procedure) providing benefits of the nature and character generally defined, and when those Regulations come into force a number of provisions in the Act of 1937, notably ss. 8, 11 (2), 14, and 16 (2), will cease to have effect.

Existing contributory employees will be given a six months' option (running from the appointed day under the Regulations) to retain the benefits of the Act of 1937: otherwise the new scheme will apply to them. New entrants to the local government service, when eligible to become contributory employees under the Act of 1937, will automatically be subject to the benefits of the new scheme.

It is intended that the two schemes shall provide benefits which, actuarially, are equivalent so that the substitution of one scheme of benefits for the other can be effected without imposing any additional liability on a superannuation fund and without increasing the employee's contribution.

The following explanation and comparison of the benefits at present provided under the Act of 1937 with those to be provided under the new scheme is based on the Act which has just been passed, the parliamentary debates on the Bill for that Act, and the Statement issued by the Working Party on November 11, 1952, giving details of the proposed new benefits.

RETIREMENT PENSIONS AND ALLOWANCES

Under the existing provisions an employee is entitled to retire on pension if he has attained the age of sixty years and completed forty years' service, or if he has completed ten years' service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body. He is compelled to retire at sixty-five years of age unless the employing authority, with his consent, extend his service, and if he has then completed ten years' service he is entitled to a pension.

In any of the above-mentioned cases the annual pension is calculated on the basis of 1/60th of the employee's average pay during the preceding *five* years for each year of contributing service and 1/120th for each year of non-contributing service. Thus an employee whose average pay is £600 will receive an annual pension of £400 if he has completed forty years' contributing service and £300 if he has completed only twenty years' contributing service and the remaining twenty years' service counts as non-contributing service. In the latter case the employing authority have a discretionary power to increase the fraction for non-contributing service.

The conditions governing retirement are not materially altered by the new Act but the benefits will consist of a lump sum retiring allowance and a smaller annual pension. An employee retiring after attaining the age of sixty-five years and completing more than five but less than ten years' service will be entitled to a lump sum retiring allowance but not an annual pension. After ten years' service, unless a widow's pension may become payable, the lump sum will be equal to 3/80ths of the employee's average pay during the *three* years preceding retirement for each year of contributing service and 3/160ths for each year of non-contributing service. If, originally, he was entitled to the benefits under the Act of 1937 only, and he afterwards exercised an option to transfer to the new scheme, the lump sum will be increased by an appropriate amount to take account of the fact that no "widow's pension cover" was provided by the original scheme. Under the National Health Service (Superannuation) Regulations, which are likely to be followed in this respect,

this " uplift " is 1½% for each year of contributing service and ¾% for each year of non-contributing service.

The annual pension under the new scheme will be based on eightieths for contributing service and one-hundred-and-sixtieths for non-contributing service, with a minimum (in the case of an ill-health or " breakdown " pension) of 20/80ths or such smaller fraction as the employee would have received if he had continued to be a contributory employee until he reached the age of sixty-five. Pensionable pay will be calculated by reference to the remuneration received during the last three years' service before retirement, and an employing authority may resolve that the whole or part of an employee's non-contributing service shall be reckoned as contributing service. This latter provision should be compared with the Act of 1937, which enables employing authorities to increase the fraction for non-contributing service from 1/120th to any larger fraction not exceeding 1/60th, *e.g.*, they may adopt an intermediate fraction such as 1/105th or 1/90th.

An employee entitled to the benefits of the new scheme who retires after forty years' contributing service with "average pay" amounting to £600 *per annum* will receive a lump sum of £900 and an annual pension of £300. If he was originally subject to the Act of 1937 and transferred to the new scheme twenty years before retirement, and the Health Service " uplift " is applied, the lump sum will amount to £1,170.

The figures quoted in the examples just given relate to an employee in respect of whom no widow's pension liability exists at the date of retirement. In the other cases (probably the majority) the lump sum will be abated in the manner described below in order to provide for the widow's pension.

WIDOWS' PENSIONS AND GRATUITIES

Widows' pensions can be, and have been, secured under the Act of 1937 in a limited number of cases by the surrender of part of the husband's pension. This provision is to be extended and applied not only to contributors who retain the benefits of the Act of 1937 but also to those who transfer to the new scheme, notwithstanding that, in the latter cases, there is an automatic widow's pension benefit. Further details of this provision will be given in the second article in this series.

Under the new scheme the widow of an employee dying during service will automatically receive a gratuity equal to 1/80th of his average pay for each year of contributing service and 1/160th for each year of non-contributing service, and an annual pension equivalent to one-third of the pension to which her husband would have been entitled if he had retired the day before he died. If, for example, an employee dies after twenty-five years' service (ten years' non-contributing and fifteen years' contributing) and his average pay during the preceding three years amounts to £600 per annum, then his widow will receive a gratuity of £150 and an annual pension of £50. If he dies after thirty-five years' service (again, ten years' non-contributing), with the same average pay, the gratuity will amount to £225 and the pension to £75.

If an employee dies after retiring on pension his widow will receive a pension equal to one-third of her husband's pension.

Widows' pensions will not be payable if the marriage was contracted after the employee became entitled to a pension or injury allowance and will cease on re-marriage.

INJURY ALLOWANCES

A contributory employee under either the Act of 1937 or the new scheme who ceases to be employed in consequence of permanent incapacity resulting from an injury sustained in the actual discharge of his duty and specifically attributable to the nature of his duty, or from disease which he has contracted and to which he was exposed by the nature of his duty, will be entitled to an annual injury allowance not exceeding two-thirds of his average pay. The actual amount of the allowance will be determined by the employing authority and if the employee dies from the injury or disease the authority will be able to pay a gratuity or annual pension to his widow.

DEATH GRATUITIES

Generally speaking the benefits of the new scheme are only payable to, or in respect of, an employee retiring or dying after ten years' service. If, however, an employee dies after completing five years' service and there is no widow's pension payable, his personal representative will receive a gratuity equal to 3/80ths of his average pay during each year of contributing service and 3/160ths in respect of each year of non-contributing service, *or* a refund of his contributions with compound interest, *or* an amount equal to his average remuneration, whichever is the greatest.

A gratuity will also be payable in respect of an employee who has retired on pension or with an injury allowance or short service gratuity, except that a sum equal to the aggregate of the other benefits received will be deducted from the gratuity.

SHORT SERVICE GRATUITY

A contributory employee under the new scheme who has completed five but less than ten years' service, and ceases to be employed through incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body, will be entitled to receive a gratuity equal to one year's (average) pay less the amount of any lump sum retiring allowance to which he is entitled. PROSIT.

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THE EQUALIZATION GRANT IN WALES

The Report of the Committee appointed by the Minister of Housing and Local Government to investigate the operation of the Exchequer Equalization Grants in England and Wales was published in June last and has already aroused a great deal of interest and not a little concern among Welsh authorities. This is understandable because the Local Government Act, 1948, allocated to most of these authorities equalization grants which were equivalent to substantial rate poundages : the Committee of Investigation, however, propose to make all round reductions in these allocations, details of which we give later.

We are informed that the Welsh Counties were one of the groups to make representations to the Committee while deliberations were proceeding, and that the points made included the following :

First, it was urged that the exchequer equalization grant formula is fundamentally sound. (The Report agrees. Paragraph 20, p. 13 reads " The system of Equalization Grants is designed, not to distribute money to all in varying proportions like the former Block Grants, but to concentrate the assistance upon the needier authorities according to the measure of their need. In principle, as a system designed to meet the particular problem of the great disparity in the resources of different local government areas, it has received high praise, from quarters not confined to those who are substantial beneficiaries under it. If in fact the valuations for rating are so unsatisfactory that they cannot continue to be used for this purpose, the logical course is not to distribute in part to everybody but to find a new test of need and to distribute the Grant wholly or in part on that basis. Since rates are the only tax resources available to the local authority any other effective test is hard to find. Our terms of reference in fact authorize us to suggest an alternative basis of distribution provided that it concentrates Exchequer assistance upon the needier authorities. None of the memoranda put before us has suggested any other test of wealth or poverty, and we ourselves have not been able to find one).

"Secondly, it was said that a change whereby population became the major or one of the prime factors determining the apportionment would be a denial of the basic principles of the grant. It will be recalled that this suggestion emanated from the twenty-seven non-grant-receiving county boroughs. (The Report comments " It will at once be observed that the metropolis, which is at the same time the most populous part of the country as well as (judged by the test of rateable value per head) easily the wealthiest, would obtain a large proportion of any such distribution though it does not receive any Equalization Grant. Similarly, some of the county boroughs who joined in representations of this kind are amongst the lowest rated areas in the country : and a distribution upon the basis of population would add still more to their comparative good fortune. A distribution upon the basis of population is in fact one certain way in which wealthy areas can assure themselves of a share in this grant, which they do not at present obtain.") (Paragraph 18, p. 13)."

Thirdly, the Welsh Counties agreed that there was widespread disuniformity in valuation throughout England and Wales. They did, however, reply to the whispering propagandists who linked low valuation with high equalization grants and on this erroneous basis urged redistribution of grants, that there was no reliable information as to disuniformity in the possession of local authorities and certainly no evidence that under-valuation occurs wholly or mainly in the areas receiving large equalization grants. (The Report says " It is pertinent to observe here that, despite some predispositions to the contrary, there is little evidence that those who get most Grant are most under-assessed. There is some evidence that, contrary to a common urban view, by and large rural assessments comply rather better with the requirements of the law than do those of urban areas. It behoves us all to be extremely careful about the assumptions which we make in this question "). (Paragraph 16, p. 13).

Fourthly, emphasis was laid on the importance of the grant to the Welsh Counties because of their comparative poverty. (The comment in para. 18 of the Report, already quoted, is apposite here.)

Fifthly, reference was made to the long pre-war depression period when poverty prevented local government services from being maintained at an adequate standard with the consequence that present day needs are much greater than in wealthier authorities who were able to do more in the past. In refuting another piece of propaganda that there was extravagance in areas receiving high grants the Committee say that there was no direct evidence from the reports of District Auditors or from the direct grant paying Departments of any instances of extravagance in such areas. The Committee go on to say " A large increase in expenditure does not, of course, necessarily imply extravagance. The increase may be justified by the need to improve the standard of service, or for other reasons. One of the main objects of the Equalization Grant is to enable the poorer areas to improve the standard of their local government services. If it is found that the increase of expenditure in the areas receiving Grant at a high rate is much above the average, that may only mean that the equalization grant is achieving its object. It would be necessary to inquire into the justification for the increases before it could be said that the local authorities were guilty of extravagance ".

Having seen their views so largely supported the Welsh Counties are all the more disappointed that recommendations for an interim adjustment between the various counties and county boroughs should now be made by the Committee, the Welsh counties holding firmly to the opinion that adjustment should wait upon the facts of revaluation and not be introduced at present on an empirical basis which substitutes, apparently for no other reason than to quieten clamour, for the logically based average rateable value per head of weighted population of £6.4 one of £7. The Committee urge as justification for their scheme doubts about the validity of present valuations and the consequent sense of injustice by local authorities who by a narrow margin fail to qualify for grant and by those who do qualify but receive only small grants. There is, they say, no ascertainable evidence on which the present rateable value can now be adjusted with any precision to the figures which will operate upon revaluation but propose nevertheless rough marginal adjustments in the interim period. This proposal will certainly be opposed from many quarters, possibly including the twenty-two authorities whose rateable value is above the figure of £7, and will consequently still go grantless.

The other proposal to pay grant direct to district councils and consequently to abolish the capitation payments now made by the county councils is one on which it seems there is bound to be fundamental disagreement between gainers and losers. Nothing else can be expected when many authorities will find their rates up or down by amounts of over 4*s*. 0*d*. We give a few examples of increases which will take place if this proposal ever becomes reality :

	True Rate 1951/52	*Estimated Effect of Direct Payment to District Councils*	*Total Estimated Rate**
	s. d.	*s. d.*	*s. d.*
Llanwrtyd Wells	24 3	3 6	28 1
Llandudno	24 4	2 1	26 10
Aberystwyth	24 6	5 10	30 9
Porthcawl	23 8	5 11	30 0
Penarth	19 9	6 3	26 5
Barmouth	30 0	4 9	35 1

* That is, after taking account of all the Committee's proposals other than the transitional arrangements relating to temporary grants.

The Report comments : " We do not deny the gravity of this change, especially at a time of acute pressure on the rates. Some local authorities would gain, but others would lose considerably, and in a few districts where rates on the present basis are below the average, the losses would be of the order of a five shilling rate ". We do not understand how the Committee have arrived at the opinion that the 1951/52 rates in the authorities cited are below the average.

In total we calculate that the numbers of the Welsh county district councils which will gain or lose under the proposals, and the extent of their gains and losses will be as follows :

	Gains						*Losses*					
	0—11*d.*	1/0*d.*—1/11*d.*	2/0*d.*—2/11*d.*	3/0*d.*—3/11*d.*	4/0*d. and over*	*Total*	0—11*d.*	1/0*d.*—1/11*d.*	2/0*d.*—2/11*d.*	3/0*d.*—3/11*d.*	4/0*d.* and *over*	*Total*
Anglesey	2	1	—	—	—	3	1	2	2	—	—	5
Brecknock	2	—	—	—	1	3	1	2	4	1	—	8
Caernarvon	—	2	1	1	2	6	3	3	3	—	—	9
Cardigan	2	—	—	—	—	2	—	3	1	—	3	7
Carmarthen	2	1	2	—	2	7	1	1	—	2	2	6
Denbigh	—	1	1	2	—	4	2	2	4	—	—	8
Flint	4	—	1	—	—	5	1	2	2	—	—	5
Glamorgan	—	4	4	1	4	13	1	2	2	1	5	11
Merioneth	2	—	—	—	—	2	1	2	2	2	1	8
Monmouth	1	—	2	3	4	10	1	2	2	5	3	13
Montgomery	1	1	—	—	—	2	2	1	3	2	—	8
Pembroke	2	2	—	—	—	4	2	3	—	—	2	7
Radnor	—	2	—	1	1	4	2	1	1	—	—	4
TOTALS	18	14	11	8	14	65	18	26	26	13	16	99

Thus there will be thirty-four more losers than gainers and the ultimate effect on counties will be as set out below :

County (1)	*Effect on County as a whole (as equivalent rate in the £)* (2)	(3)	*Sum of columns (2) and (3)* (4)
	d.	*d.*	*d.*
Anglesey ..	+2	− 7	− 5
Brecknock ..	−4	− 9	−13
Caernarvon ..	−5	− 3	− 8
Cardigan	−5	−37	−42
Carmarthen ..	+0	− 5	− 5
Denbigh	−2	− 4	− 6
Flint	−5	− 5	−10
Glamorgan ..	−4	− 2	− 6
Merioneth ..	−4	−20	−24
Monmouth ..	−5	− 1	− 6
Montgomery ..	−7	−22	−29
Pembroke ..	−1	−10	−11
Radnor	−8	− 4	−12

Notes

Column (2) Shows estimated effect on rate poundage of proposed alterations in the formula for weighted population and the interim adjustments for county and county borough councils.

Column (3) Shows the net effect of the proposals to pay grant direct to county district councils; it gives the estimated loss for the county as a whole before taking account of temporary Exchequer Grants.

The county boroughs of Merthyr, Newport and Swansea will lose by amounts of 6*d.*, 5*d.*, and 5*d.*, respectively while Cardiff will still receive no grant.

A third proposal of the Committee is that grant should be limited to expenditure not exceeding a certain maximum fixed for each authority by reference to the average for authorities of similar status throughout England and Wales and calculated according to the adaptation of the London scheme of rate equalization.

It does not necessarily follow that a system in use in metropolitan boroughs whose powers are limited and do not embrace the major local government services is applicable to the widely differing circumstances of all types of authority throughout England and Wales. Averages so calculated may conceal more then they reveal and be quite unsuitable and unfair. We have already referred to the leeway to be made up in former depressed areas and the Committee themselves recognize in para. 39 that " . . . in some areas the cost per head of population is greater than in others owing to the structure of the population or other local circumstances ". Before agreeing with the Committee that these differences will be taken care of by using weighted population in calculating the average expenditure per head we should like to see actual figures, none of which are given in the Report, which does however contain the ominous statement that " The immediate application of the formula, may, however, involve some local authorities in appreciable loss of grant ". It is relevant to mention here the Second Memorandum of the Council for Wales and Monmouthshire, which contains the report of a pilot survey of 1,120 square miles of Mid-Wales from the sea to the English border. In order to maintain the existing rural population and prevent further deterioration in rural areas the primary need, the Memorandum states, is to make up as quickly as possible deficiencies in the basic services, chiefly housing, water supplies and sewerage. For this purpose a grant of £60 million from the Exchequer is recommended, to be administered by a Public Corporation, which having established the services would hand them over to local authorities for administration. The development of these services would throw heavy additional charges on the rates with a strong possibility of attracting no Equalization Grant.

In Wales moreover the average expenditure per head of population is already, of necessity, higher than in England. The figures of estimated rate and grant borne expenditure per head of unweighted population for 1953/54 are :

English counties	£14 4*s.* 5*d.*	per head
Welsh ,,	£16 19*s.* 3*d.*	,, ,,

For all these reasons considerably more data will need to be made available before this proposal can hope to secure acceptance from Wales.

WEEKLY NOTES OF CASES

CHANCERY DIVISION

(Before Roxburgh, J.)

Re T. (AN INFANT)

July 30, 1953

Maintenance—Infant—Means of mother taken into consideration in assessing sum payable by father—Guardianship of Infants Act, 1925 (15 and 16 Geo. 5, c. 45), s. 3 (2).

MOTION adjourned into court on a point of law under the Guardianship of Infants Act, 1925, s. 3 (2).

By an order, dated May 29, 1953, made by a metropolitan magistrate the mother of two children was granted the custody of them and it was further ordered that the father should pay a weekly sum towards the maintenance of each child. In assessing the sum payable by the father the means of the mother was taken into consideration. On appeal by the mother,

Held: the magistrate was entitled to take into consideration the means of the mother in assessing the amount of maintenance under s. 3 (2).

Motion dismissed.

Counsel: *Coode* for the wife; *Seuffert* for the husband.

Solicitors: *Hepburns; F. W. Baldwin.*

(Reported by F. D. H. Osborne, Esq., Barrister-at-Law.)

CORRESPONDENCE

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT, 1920
VARIATION OF ORDERS REGISTERED OVERSEAS

It might interest readers of your journal to hear that, following the various articles which have appeared from time to time on the subject of variation of English orders registered for enforcement overseas, an attempt was made by this court to vary such an order which had previously been registered in New Zealand for enforcement.

The procedure followed was as if the application had been for a provisional order in the first instance, and my justices made a provisional variation order increasing the amount payable.

The provisional variation order and relevant documents were then forwarded to the Home Office and were accepted by them for transmission to New Zealand, and were in fact so transmitted.

In course of time an application came before the Stipendiary Magistrate in Wellington, New Zealand, who after hearing the case adjourned the matter for two months, to consider his judgment, which he gave at some length on February 23 this year. The effect of his decision is that he takes the view that the term " Maintenance Order " cannot be interpreted as including an order varying a maintenance order and he did not feel himself to be able to confirm this court's provisional order, particularly bearing in mind the penal consequences which might follow a breach of any order so confirmed.

He therefore refused to confirm the variation order, although he was satisfied that the defendant's means would justify at least a substantial increase in the present payments.

I enclose herewith for your information a copy of the Judgment of the learned Stipendiary.

Yours faithfully,
P. D. FANNER,
Solicitor Assistant.

Justices' Clerk's Office,
The Court House,
Rosslyn Crescent,
Wealdstone, Harrow, Middx.

EXTRACT FROM JUDGMENT

The Maintenance Orders (Facilities for Enforcement) Act, 1921, gives ample power to the Courts in New Zealand to vary, for example, an English Provisional Order which has been confirmed here. It also reserves power to the New Zealand Courts to vary orders made provisionally here and confirmed in England. But no express provision is made in the Act for varying an original order made abroad and registered here for the purpose of enforcement.

In *Cook* v. *Bolton-Moss* (33 M.C.R. 79), Mr. Luxford, S.M., held that New Zealand courts had no power to vary such an order and that all that they could do under the Act was to enforce it. However, this is not the point in issue in the present case, because no attempt has been made by direct application to vary an order registered under s. 3. What has been done in the present case is to use the same procedure as is used where a substantive maintenance order is made provisionally in England and sent here for confirmation. Unless the order for variation made in Wealdstone can be regarded as a maintenance order it seems to me that the Court in New Zealand is being asked to do something which is not contemplated by the Act and which the Court has no power to do.

I do not think that an order varying a maintenance order is within the definition of " maintenance order " in the Maintenance Orders (Facilities for Enforcement) Act, 1921. It is not an order for the periodical payment of a sum of money. It is in fact what it purports to be, an order varying such an order. The ultimate obligation to pay is found in the original order. The distinction between a maintenance order and an order varying a maintenance order is quite clear throughout the legislation. For example, in s. 39 of the Destitute Persons Act, 1910, of which the 1921 Act was deemed to be part, power is given to a magistrate to make an order varying a maintenance order but there is no provision which gives an order for variation any substantive effect.

The obligation is still under the original order, though the amount payable is varied.

Moreover, if a variation can itself be regarded as a maintenance order it is a little difficult to see why express provision was made in the 1921 Act for the variation of provisional orders later confirmed. If an order for variation could itself be regarded as a maintenance order the special provisions which are made for provisional variations would have been unnecessary.

I refer as a matter of interest to a note in the *Justice of the Peace and Local Government Review*, vol. CXVI, p. 14, January 5, 1952:

" As to the power to vary a registered order there is some difference of opinion. One view is that as the Act makes no specific provision for variation of a registered order and as no English summons can be served abroad an order made in England and registered abroad cannot be varied . . . The other view is that the term 'maintenance order' may be interpreted as including an order varying a maintenance order and that the Court is justified in making a provisional varying order following the procedure laid down in s. 3, which order will be transmitted abroad and will be of no effect until confirmed. We still feel doubt as to the correct view, but the statute should be made to work if possible; if the justices hear the application and, if they are satisfied, make a provisional order for variation we understand the Home Office will transmit the documents through the prescribed channels with a view to confirmation of the order in Kenya."

For the reasons set out above I think that the first view referred to in the above note is the correct view. I feel that the matter is one of substance not procedure. Breach of the order as varied could involve penal consequences and I think that it is not a matter in which expediency should be allowed to control one's opinion of the law. I therefore refuse to confirm the order for variation.

(Signed) J. B. THOMSON,
Stipendiary Magistrate.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

May I again take up some of your space, on this occasion to comment upon the article in your issue of July 11, 1953, entitled " Officers of the Police "?

If the writer is or has been a member of the Metropolitan Police then he may know at first hand something of Lord Trenchard's schemes. His opinion cannot be quite as valuable if he has only served in the provinces.

In your first article on this subject, which appeared in your issue of May 30, 1953, no mention was made of Lord Trenchard's short service scheme. Few would defend it, but " A senior police officer " is misleading your readers by writing " and his disastrous ' short service ' scheme for other ranks," giving the impression that all recruiting, except for the very few men likely to be selected for Hendon College, was to be for ten years only. This was never Lord Trenchard's intention, and short service recruitment was always limited to quite a small percentage of the annual intake of recruits. The intention, of course, was that should war come the short service man, by then in civilian employment, would be called back in the emergency, a trained policeman, to reinforce the regular personnel. In the event, war came too soon and we had to rely instead for our reserves on the hastily recruited and dubiously trained Police War Reserve. I have said that few would defend any scheme of short service engagement, but let us remember that possibly to Lord Trenchard rather than to any other man we owe our survival in the late war because without his short service pilots brought back to the Royal Air Force the Battle of Britain might well have gone against us. Because Lord Trenchard

had, while in the Royal Air Force, been building against the contingency of war, it was only natural that he should when he became Commissioner of Police of the Metropolis at least experiment with the same remedy when he had to consider the same problem in the Metropolitan Police.

How easy it is to remember only the reforms of Lord Trenchard which were controversial! Few now ever seem to mention the things he did which were to the great advantage of the Metropolitan Police. On the score of efficiency can be quoted the proper development of wireless and the information room and the organization of district traffic garages, on the score of welfare the magnificent section house programme and the provision of first class sports grounds to cater for the needs of each of the four districts.

Besides his criticism of Lord Trenchard " A senior police officer " would appear to voice the following opinion : " Everything is really quite all right in the Police Service and under no circumstances must one compare it with any of the fighting services and there must be no ' short cut ' to positions of responsibility." His main reason for this contention seems to be that " the British police system has up to now worked."

I would entirely agree that the British police system has worked and we may well be justified in thinking that we have in this country the finest Police Service in the world. But I believe it is still possible to raise a head of steam in Stephenson's Rocket—it works—but because persons responsible for rail travel have never been willing to stand still and do nothing the Rocket no longer draws a train.

While the Police Service should not perhaps be too much like the fighting services surely one can learn something from them. A boy with a good grammar school education, character and leadership can become a Royal Marine in the knowledge that if he is of the right calibre he has a good chance of being given a commission within the first few years of his service. No such chance exists in the Police Service. How, then, can we attract young men of ability ?

Why, in the Police Service, should there be no " short cut " to positions of responsibility ? There is no need to look only at the fighting services to find this " short cut " after an apprenticeship in the ranks. Today most large business concerns have two streams of promotion. One is where the artisan can by diligence and worth come up all the rungs of the ladder from the machine shop to the position of director—a long and tedious course, no doubt, but still available to every employee in the business and a position attained by a not inconsiderable number. The second stream, designed entirely to attract young men of somewhat higher education—the type of man I suggest we want today in the Police Service—entails for the individual a period in all the shops of the factory from stoking the furnaces to tool-setting, etc. Then if the young man has impressed the powers-that-be with his intelligence, ability and leadership he is lifted from the bottom rungs of the ladder and enters the lower stratum of the managerial stream without having to go all the way up through the positions of ganger, foreman, shop manager, etc. If business, the professions and the services find this the best way of recruiting some of their ultimate leaders, why not the Police ?

That this problem of the future officers of the Police is exercising the minds of people in police circles is stated by " A senior police officer " in his article, and it is of very great interest to note that the subject chosen for the 1953 Police Gold Medal Essay Competition is as follows : " Senior Police Appointments. Discuss the training best calculated to fit officers for senior police appointments, and the methods of selection to fill such posts." The committee of this essay competition includes two of Her Majesty's Inspectors of Constabulary and in addition five other very high-ranking police officers, and I think it is a healthy sign that at least there is some feeling that perhaps all is not well with the system of promotion in the Police Service, which, except for the impact of Lord Trenchard's reforms, has remained virtually unchanged since 1829.

Yours faithfully,
J. SKITTERY,
Chief Constable.

Chief Constable's Office,
Plymouth.

The Editor,
Justice of the Peace and
Local Government Review.

SIR,

FUTURE OFFICERS OF THE POLICE

I would refer to the contributed article, " Officers of the Police," which appeared in your issue of May 30, and the letter by the Chief Constable, Plymouth, which followed it in your issue of July 4.

Your contributor is apparently disturbed—so are many chief constables—at the position revealed in the annual report of the Chief Constable of Rochdale, and proceeds to an interesting historical theory to account for the situation, but makes not the slightest contribution to the solving of this present-day problem in a way that would satisfy the Police Service and be for the public good. The attitude of the Chief Constable, Plymouth, is just as negative.

Let me say here, that I am a serving police officer of lower rank and with twenty years' service, and before proceeding to a discussion on the question of " the future officers of the police," I would take to task both your contributor and the Chief Constable, Plymouth, on the subject of " the practical policeman."

The former refers to " much prattle about proved experience and practical knowledge," whilst the latter talks of " that *homo sapiens*, the practical policeman . . . this mythical character."

Not knowing the profession of the former, I can only suggest that if he is not closely connected with the Police Service, he cannot be intimate with the daily practice of police duty.

Of the latter, whose profession we know, one feels astounded and pained. One assumes that for the past twenty-one years he has had his daily existence with all ranks of the service and that therefore he has been in constant touch with the *homo sapiens*. Has he failed to recognize this very worldly figure, or is he so familiar with the reality that it has ceased to be a living thing ? Has the obvious escaped definition because of its obviousness ? Are the Police Orders of the Plymouth City Police devoid of commendation, or has he not exploded his myth himself, by paying tribute for duty done, where actions have demonstrated clearly not the art of the theorist and dreamer, but the oft hard and unpleasant art of practical police duty ? Is not practical police duty performed only in contact with " the material of the trade "—humanity, particularly that mass of humanity that errs ? Is not his service, a service of men practised in the affairs of humanity, and therefore practised in the art of being human ? These men are not myths except to those blind to the reality, and none are so blind as they who do not want to see.

There is acceptance in all walks of life, in trade, industry, the law, medicine, the army, etc., that there are gulfs, great or small, between theory and practice, yet there are those who would deny that there is theory and practice in Police Duty. How many of us have seen demonstrated the gulf that does exist between the theory of police law and the practice of police duty. The predominant character in the latter is our mythical figure, the practical man, whilst in the latter the part is played by those who have drunk heavily and gladly from the fountain of experience and knowledge—" the *homo sapiens*."

Shall I put it another way. Every file of papers that reaches a headquarters office contains the experience of the practical policeman, his actions, the causes of his actions and its results. It is in short a documentary of action, fact and experience, and a knowledge of the law. It is admitted that the law may not always be interpreted correctly, but this document nevertheless is a record of police duty in action, and contains much upon which the theorist can dwell and ruminate. A little knowledge is a dangerous thing, and how dangerous a little knowledge of human nature, but how much more dangerous a little knowledge of practical police duty.

One last word about this practical policeman. In accord with many Chief Constables, a company of men no less important than Her Majesty's Inspectors of Constabulary deplore the lack of experienced men in the service today. The reasons we know are not far to seek, but their complaining voice is nevertheless a tribute to the existence and presence of the *homo sapiens*, whom no Chief Constable can create by command, but who are the product of police duty in action. Experience fathers the whole man, and leaders in the Police Service today must of necessity be complete men, experienced in the art of practical police duty, as well as exponents in the theory of Police Law.

Now to the question at issue—" the future senior officers of the Police."

It is not unnatural that the Federated ranks of the police of England and Wales and Scotland should display a lively and intelligent interest in this essential and vital problem. Essential in as much as that it is irrevocably connected with the efficiency and well being of the service, and vital in as much as that it is upon an efficient service that the well-being of the community depends.

We are not concerned with academic " prattle " on historical theory, which has little, if any, bearing on the problem as it is today. The tall hat and swallow tail coat are of yesterday ; the reason which prompted such a garb may have been very real, but then the line between the gentleman and the ungentlemanly was as impassable as it was impossible for a camel to get through the eye of a needle. A sense of responsibility, like all the graces, was the monopoly and indeed the attribute only of the gentleman. Such was the social system of the early nineteenth century, when only the gentleman born and bred was exalted in high places. Today " gentlemen " have been born in low places, and so is the converse true.

Be that as it may, the problem that is confronting the police service today is, in the first place, one of economic conditions resulting directly

from the last war and the war of 1914-1918. Much has been said in Governmental and Police circles and in the Public Press on the question of post-war recruitment, and it is apparent that it has been recognized by all that the primary factors are pay and conditions of service. These are the influences which attract to, or detract from the service. The latter includes provision of opportunity for success within the calling, and it is beyond dispute that, given the appropriate incentives, those of intelligence, character and personality will accept the call. The attitude of the Police Federation in this matter has been made perfectly clear; there must be conditions to attract the best material and provision for the promotion within the service of the best man to the highest rank.

Accompanying this attitude there is a deep concern about the qualification for the higher ranks. This concern is obviously connected with the increased complexity of modern life and the accompanying increase in the tasks and responsibilities of the modern policeman. These conditions are a reflection of the changed political, economic and social conditions of the present day. In other words we are now conscious of our unique position in the community. We are individually and collectively the agents of law enforcement, and as vital to the community as the armed services. Are we not indeed the unostentatious pillars of the majesty of the law? Has it not recently been suggested by a responsible member of Government that we are the country's safest guard against dictatorship and the totalitarian state? Be that as it may, it is nevertheless true that the most lowly of us are an integral part of an organization vital to the community's well being, the envy of the world, respected at home, and our existence as an efficient instrument of law enforcement ensures a healthy respect for law and order.

Is it not true, too, that there is in the service a growing consciousness of being a profession and a closed profession at that? Closed by reason of its demands, by the fact that entry is by accord to set standards of which integrity is not the least. Is it therefore not unnatural that like all professions we should ask that success shall come from within? Today there is a greater interest in our calling, and as lively an interest in the quality of the man who is the officer, and is not this in the last analysis in the interest of the public good?

This concern by the Federated ranks has sought expression and has led to the advocacy of the " no back door, no short cut " policy. We are not against the best man, but only ask that he should be proved the best man and that the proving should be by service; we ask that a policeman shall lead policemen, but insist that he is not a "ready-made" policeman, but rather the product of service, experience and competition.

This view does not demand a scheme of re-organization. " A Senior Police officer " has stated correctly that " recruitment (for the past thirty years at least) has always proceeded on the basis that each recruit was a potential Chief Constable. What may be required is the development of a new attitude on the part of the Police Authorities and Chief Constables in the matter of selection of Chief Officers and promotion within the service.

It is true that in any reorganization or new development concerning the police, the paramount question is and should be, " Is it in the interest of the public good." Any movement that concerns the community must have the public good as its pre-condition. What, however, is equally important—and the second question cannot be divorced from the first—" Is it in the interest of the police service? " Any, indeed every move must be for the good of the service as only then can it be for the good of the public.

In his letter the Chief Constable, Plymouth, states, " That the potential senior officer should not be expected to pass through ' every ' rank before he becomes an officer," and it would appear from this that there are so many intermediate ranks, experience of which is apparently not required. Is there not only one rank between the Constable and Inspector and only one at times between Inspector and Superintendent? Is it too much to ask of the senior officer of tomorrow experience of these so few, but important, ranks?

The police authorities have almost complete freedom of selection in the choice of a chief constable—they are subject to few restrictions—but they are in the main laymen, and it is one of the anomalies of the system that the choice of an expert, or specialist, should be in the hands of the inexpert and inexperienced. Would it not be better for the power of appointment to be taken away from them, or at least a strict code insisted upon for their guidance in their choosing?

But what may be just as, if not more alarming, as far as the rank and file of the service is concerned, is the almost complete discretion given to Chief Constables in their selection of officers within the force. He can choose the incompetent as well as the competent, the unintelligent as well as the intelligent, the character-less as well as the man of character. There is not that guarantee that the best man shall be chosen on the basis of merit. Yet is it not the responsibility of Chief Officers, in the interest of the public good and the Service, to ensure that the best man shall be chosen? Should there not exist machinery —a selection board—within the Force, to chose and recommend for the Chief Officer to approve? Should not the representatives of the Federated ranks have some little say in the choice of the officers who are to lead them? After all, does not the Watch Committee perform a parallel function in the selection of the Chief Officer himself, subject to the approving nod of the Central Government?

Now " Senior Police Officer " has struck a profoundly true note when he declares that " the doctrine of the ' short cut ' . . . necessarily means a reduction in the standard of recruit to the ranks." One follows the other as assuredly as night follows day, and lo the evil thereof. The Hendon College and its accompanying " Short Service Scheme," was not created to meet an urgent and pressing need of the day; rather was it, as " Senior Police Officer " suggests, the direct result of imposing a mind imbued with the traditions of the fighting service, on a service that in its structure, functions and personnel was fundamentally different. That the college and its products were acceptable to some police authorities is something quite different from being acceptable to the Police Service, and its disappearance represents the recognition that it was an alien trend detrimental to the Service, and therefore detrimental to the well-being of the community. Competition is the mainspring of progress; in the Police Service it should be the basis of success, the means of demonstrating superiority over others in the peculiarities of our calling. Only then can a system of selection for, and promotion to, higher rank be fair.

On the question of fairness. It is true " that no great reform has has been fair to everybody," but it is equally true that the purpose of all great reforms is that they are, and should be, in the interest of the vast majority, and any reform or new development in the Police Service must be in the interest of the service as a whole, as only then can it satisfy positively the question " Is it in the interests of the public good? " And in answer to the question " Is there a privileged class today? " I would suggest that surely none of us are so out of touch with human affairs as to imagine that we are living in a Utopia. Equality of opportunity has been the clarion call of political and social reformers for many a long year, but I venture to suggest that we are a far cry from that happy state yet, even in the sphere of education.

At this stage may I draw to your attention a factor which has been completely ignored—the retiring age for Chief and Senior Officers. It is a very important factor, irrevocably connected with the question of promotion. I can illustrate its influence in this way: If in 1953 every Chief Constable's post in the country was filled by a man of thirty years, it follows that barring death, accident, or dismissal there could be no promotion to these posts for another thirty-five years. The Chief Constable of Plymouth will occupy his Chief Constableship for thirty years—a long and dismal wait for a young and aspiring chief officer. It becomes apparent therefore that the policy of the " young man " has far reaching repercussions as far as the young man himself is concerned, and it is equally clear that a reduction in the retiring age of senior officers—a very welcome step—is a very necessary condition, even in the interest of the " officer class."

A few more words. The Police Federation is one of the safest guards to, and guarantee of, a contented and efficient Police Service. It stands four-square on a policy that demands conditions which would make the service an efficient and contented one. Given a reform or conditions that would ensure these results, then those others can be content that the service will have obtained a system that will guarantee the attraction of the best and the elevation of the best by virtue of service and experience. Be it remembered that the federated ranks are concerned about the service as a whole, and this concern is as much the right of the lower ranks as it is of the Police hierarchy.

To conclude I would draw attention to this fact—since its inception the Police Federation has included inspectors, sergeants and constables and its existence to date has proved that the union has been a happy and beneficial one in every respect Would it have survived had it been otherwise? The reasons for this survival are not far to seek. The Inspectors are not alienated and aloof by virtue of being a ready made officer class, but influenced by previous experience are conscious of the import of the necessity that it must be a man of practice at the top, and of the impact on the service and the public good if it should be otherwise. In any event who are the best judges of their association with the lower ranks than the Inspectors themselves? Do they not combine within their ranks a vast police experience? The " Trenchard scheme " was short-lived because it was contrary to all conceptions entailed in the maintenance of a civilian force under present-day conditions. It is a force whose origins are closely interwoven into the principles of democratic government, and has so much connexion with that most priceless of all principles " the liberty of the subject." The Inspectors were foremost in opposition and forthright in condemnation of the " Trenchard scheme," and the danger to a contented and efficient Police Force that it implied, was apparent to those who were and are responsible for our good government. The " pudding " was tasted and found to be distasteful.

Yours faithfully,
EXPERIENTIA DOCET.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

Your issue of July 4 contains a letter from Mr. J. Skittery, Chief Constable of Plymouth. It appears to me that the writer is stating by inference, if not categorically, that those Chief Constables who have achieved their present position by rising through the ranks, and have not been fortunate enough to shorten their term of apprenticeship by being attracted to the service by some artifice which obviates the hard " climb to the top "—which in any case is " so very chancy "—are not really of the right material. Otherwise, what are his grounds for saying that " something is wrong " with the Police Service? These men achieved their present rank in spite of the hard road they had to tread and, in my submission, the same material, possessing the same willingness to strive, is available today.

It is agreed that Mr. Skittery possesses all the attributes which are essential in a Chief Officer of Police, discharges his office with skill and ability and administers his force with great success; but does he, or any Chief Officer in the country, claim that such success is entirely due to himself and no part of the credit should go to his subordinates who are, without exception, men whose integrity, loyalty and devotion to duty have been tested over many years and are (must I apologize for the expression?) " practical policemen "?

Returning again to the assumption—and it cannot be put higher—that " something is wrong " with the Police Service. Is it forgotten that for many, many years the British police have enjoyed a world-wide reputation for their impartiality, forbearance and expert discharge of their manifold tasks? This reputation was gained long before " Hendon " and by the man on the beat who elected to serve his country without promises of early advancement which appears to be the aim of the Committee which a " small minority of chief officers of police " wish to set up.

With regard to his reference to the National Police College and his statement that it is not producing the future officers the Police Service needs, I think such an expression is highly offensive not only to the hundreds of students who have had the benefit of attendance there, but also to the Chief Constables responsible for their selection. Does Mr. Skittery really suggest that, in due course, these men, together with certain of their colleagues who have not been fortunate enough to go to Ryton, do not form a pool of a sufficiently high quality to give us all the officers we need? If so, by whose or what authority does he make such a suggestion?

I agree with Mr. Skittery in that I shall not " encourage " my son to join the Police Service—or any other profession. After giving him the best education available within my means, I shall give him all the guidance he seeks and when he exhibits a desire for any particular walk of life (it may be the Police Service) I shall then give him all the encouragement possible. I pray that his reasoning on this matter will not be conditioned solely by there being a quicker or easier way to the top or even monetary reward. There are other, and more important, factors to be considered. The opportunity of being of service to one's fellowmen is one which springs readily to mind.

Yours faithfully,
W. H. LLOYD,
Superintendent—Deputy Chief Constable.

Central Police Office,
Southport.

PERSONALIA

APPOINTMENTS

Mr. Russell C. Pharaoh, deputy town clerk and deputy clerk of the peace for the county borough of West Bromwich since 1948, has been appointed town clerk of Workington. Mr. Pharaoh was previously assistant solicitor to the Epsom and Ewell Corporation.

Mr. D. Mathieson, deputy town clerk of the borough of Heston and Isleworth, has been appointed town clerk in succession to Mr. H. Swann.

Mr. W. E. Pitts, chief constable of Bootle since 1949, has been appointed chief constable for Derbyshire. Mr. Pitts was previously with the Liverpool City Police.

Superintendent Harold Edmund Legg, deputy chief constable for Barnsley, has been appointed chief constable of Bootle. Mr. Legg entered the police service at Southampton in 1929, was appointed superintendent at Barnsley in 1947 and became deputy chief constable in 1948.

Mr. William Alexander McConnach, deputy chief constable for Plymouth, has been appointed chief constable for Southend. He succeeds Mr. A. J. Hunt, who has been chief constable since 1938.

Dr. J. P. Neylon has been appointed assistant medical officer of health and assistant schools medical officer to the county borough of Barnsley.

Dr. R. Glenn, deputy medical officer of health for Swansea county borough council, has been appointed medical officer of health for Grimsby county borough council.

Mr. H. R. Pratt has been appointed chief constable of Bedfordshire

Dr. Robert Gordon Drummond, assistant county medical officer of health for the Isle of Ely county council, has been appointed medical officer of health for Durham city and rural district and for Brandon and Byshottles urban district.

Mr. George V. Cooke, senior administrative assistant to West Riding education authority, has been appointed assistant director of education for Liverpool.

Dr. H. S. K. Sainsbury, assistant county medical officer for Herefordshire, has been appointed senior school medical officer for Newcastle on Tyne.

RETIREMENT

Dr. Henry Cecil Jennings, county medical officer of health and schools medical officer for Oxfordshire county council, is to retire in November after twenty-one years' service and a total of thirty-four years in public health. Dr. Jennings was formerly county medical officer of health for Holland, Lincolnshire, and deputy medical officer of health for Leeds. His successor is Dr. Thomas Anderson, deputy medical officer of health for Oxfordshire. Dr. Anderson was formerly deputy medical officer of health for Ealing.

EUROPE'S NORTHERN FASTNESS

Neverfjell, near Lillehammer,
Norway.
August 10.

No greater contrast can be imagined, between two neighbouring countries which are so closely allied in racial origin, political institutions and language, than that between the physical features of Denmark and Norway. From the flat Danish landscape, rising scarcely anywhere to more than two or three hundred feet above sea-level, intersected with waterways and canals, rich with lush pasture, intensively cultivated, and producing milk, butter and cheese in abundance, the traveller goes northwards to a land of vast uninhabited spaces, lofty mountains, dark pine-forests and rocky, desolate slopes; to a jagged western coastline with *fjords* or inlets of surpassing beauty, shut in by cliffs running steeply to the sea—a district where, for hundreds of miles, the only means of communication is by coastal steamer; and eastwards, in the interior, to the lofty and spacious *vidde*, or mountain plateau, where nothing grows but heather, coarse grass, and stunted bushes to which clings a curious, cobweb-like grey moss, and the path, from one sparsely-populated group of wooden huts to the next, is indicated only by a splash of red paint, here and there, on an outcropping rock or massive boulder. From one of these groups of huts, three thousand feet up, the clear and invigorating air enables the eye to traverse enormous distances; in the foreground is the dark green of the neighbouring woods, stopping abruptly at a slightly lower level where the tree-line ends, the pines standing thickly clustered together like a silent army of spearmen; behind these the black mass of more distant forests, the spikey summit of their pines visible against the blue background of the

mountain ranges which rise, ever higher and more barren, in fainter and fainter outline, to the horizon. The impression in this part of the country is not of sudden heights and jagged peaks, but of ring after ring of ramparts, faintly blue in the daylight and, at sunset, a wonderful rosy pink, with here and there a gleam of white that marks some mountain lake or cavity filled with everlasting snow. This is a very different landscape from that of the western Norwegian coastline, from the country of sea and cliff, deep-cleft *fjord* and rushing waterfall. Here on the *vidde* the majestic panorama is open and free; loneliness and silence are the balm that Nature offers to the tired city-dweller. At dusk, a mile or so away from the group of huts, nothing is to be heard save the tinkle of the cattle-bell on the leader of the herd, as it makes its way slowly home from pasture to the security of the solitary farm, and the herdsman's occasional call echoes strangely across the stillness.

Far below us, to the south, is the vastness of Lake Mjösa, seventy miles in length, extending along the valley towards Oslo, a hundred miles away. To the north-west and below stretches the Gudbrandsdal, the enormous valley that runs diagonally across the country to the ancient city of Trondhjem on the north-west coast. Above that valley rises the gloomy, mysterious mountain range of the Jotunheim, with its highest peak, the snow-clad Galdhöpiggen standing eight thousand feet above sea-level. Nobody seeing this silent, desolate country will wonder that the old Norwegians peopled their surroundings with strange and terrifying beings—outlandish Trolls, monstrous and hairy live beasts, malicious dwarfs, uncouth giants and the nature-gods—Odin, Thor, Frey and the rest, ruling the world from their fortresses in the mountains, and calling the heroes slain in battle to immortality in a Valhalla of feasting, drinking and beautiful women.

Norway is a vast country: if it were possible for some giant to turn it about, with Oslo as a pivot, the North Cape, now well inside the Polar Circle, would touch the latitude of Rome. In all this enormous territory live only three million people, of whom nearly one-third inhabit Oslo, Bergen, Trondhjem and a few other large cities. Hence the sense of loneliness and space, in comparison with our own small island, with its population of nearly fifty-million souls. Hence, also, a certain dour ruggedness among the country-folk, for whom life is laborious and hard. But this stern exterior covers a natural kindliness and courtesy, and above all a native honesty, which are the hallmarks of true civilization. No wanderer in these parts, knocking at the door of a *saeter* or mountain-hut to inquire his way, is allowed to depart without being offered refreshment—a glass of fresh milk and a *smörbrod*—a thick slice of bread and butter covered with goat's cheese, a hunk of meat or a piece of pickled fish—for which payment is not asked, and, if offered, courteously declined.

In the small guest-houses that stand, outwardly indistinguishable, except in size, from the huts around them, life is simple yet comfortable enough. Square wooden buildings, scrupulously clean, they offer all the amenities, without the sophistication of the ordinary European holiday-hotel. Norwegian food is excellent in quality and incredibly liberal in supply. For breakfast and lunch a large table is spread in the centre of the dining-room, bearing the choicest selection of hot and cold viands of fifteen or twenty varieties. Each guest takes a plate and walks round the table, helping himself as many times as he desires. There are boiled eggs, hot fish or meat-cakes; a delightful concoction of shredded, raw, white cabbage flavoured with almonds and raisins; sardines and herrings prepared in different ways; several sorts of cheese; marmalade and jam, and five or six varieties of bread. At lunch, boiled potatoes make their appearance, and also a kind of gruel-soup with a delicious flavour. Coffee or tea are supplied, and the girls in national costume who wait at table come round at intervals with two large jugs, one containing fresh milk and the other buttermilk, from which they replenish each guest's glass as often as desired. Enormous quantities of milk are drunk in this country, which may account for the wonderful complexions among children and adults alike. Evening dinner is a hot meal, with soup, fish or meat, and vegetables, the dish at each table being replenished once or twice, and every guest serving himself *ad libitum*. Even at this meal the inevitable jugs of milk make their appearance; three or four pints a day per person seems to be a usual quota.

One other excellent institution, which might well be adopted in our country, is the after-lunch rest. On ordinary days, when not on holiday, the Norwegian works from about nine to three without a break. He is then finished for the day; returns home, takes his bath or shower, and eats his *middag* (or midday meal) at about four. When this is over he lies down to rest for an hour or two, awaking refreshed at about 6 *p.m.*, ready for the evening's recreation. The only disadvantage, from the insular English point of view, is that this arrangement leaves no provision for the sacred institution of afternoon tea. The Norwegian afternoon-sleep, however, is equally sacrosanct; no visitor would dare to disturb the family between 4 and 6 *p.m.*, and guests to *middag* are invited (and expected) to conform. After a few days in the country the foreign guest finds that he requires no persuasion. Notwithstanding the modification in the times of meals, all holiday hotels exhibit notices politely requesting their guests to preserve quiet, and keep their children under control, between the hours of 4 and 6 *p.m.*, during which period everybody retires to his room for rest, and unbroken silence reigns supreme.

Nine miles below us, on the shores of the Lake, stands the charming little town of Lillehammer, which contains the house of Sigrid Undset, authoress of two of the greatest historical novels of the present day, and also the finest open-air Museum in the world. Ancient farms, dwelling-houses and churches have been transplanted in their entirety and set up in these wonderful surroundings, affording a clear and vivid picture of Norwegian life in the Middle Ages as no model or written description could attempt to do. An inspection of this unique Museum requires a full day, and the visitor comes away feeling that he has indeed seen, brought to life, the colourful and eventful scenas so richly described in the fascinating pages of *Kristin Lavransdatter*.

A.L.P.

DE MINIMIS

A matter small or a paltry case
May raise important points of law
And a modest Magisterial Court
Faced with import it ne'er foresaw.

Despite that law has no regard
For trifles, yet it comes to mind
That a trifle sometimes sways a case
Towards an end not pre-divined.

These little people when they come
Before the Court, with perplexed awe,
Don't know their case may be the means
Of altering and of making law.

Is this why it has been held
Our system is the best of all?
In any case it's stood the test
Of legal time beyond recall.

W. S. A. Robinson.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Byelaws—*Good rule and government—Urinating in street.*

In some of the urban districts in this county, I am having complaints of men committing a nuisance in the streets, *i.e.*, by urinating. The only possible proceedings, as I see it, are by means of a county byelaw made in pursuance of s. 16 of the Local Government Act, 1888, which applies throughout the county except in the boroughs, and is worded as follows :

" *Indecent Language, etc.*—No person shall in any street or public place, or in any place within view or hearing of any street or public place, use any indecent language or gesture, or commit or solicit, incite or provoke any other person to commit any indecent act to the annoyance of residents or passengers."

Do you consider that urinating in the street would constitute an indecent act under the above byelaw ? I am inclined to think it would.

In one of the boroughs in this county there is a set of byelaws made under s. 249 of the Local Government Act, 1933. One of these byelaws is worded identically with that given above, but proceedings for urinating in the streets are taken under another byelaw in the same set, for committing a nuisance contrary to public decency, etc. (This latter byelaw does not appear in the county byelaws.) PEW.

Answer.

The borough byelaw mentioned is said, in a footnote to the printed model issued from the Home Office, to be allowed only when the Home Secretary is satisfied that sufficient sanitary accommodation has been provided for the public use. This suggests that the Home Secretary's advisers do not regard urinating in the street as being an " indecent act " within the meaning of the county byelaw. (It seems unfortunate that the draftsman of these byelaws still uses the namby-pamby phrase " commit a nuisance," instead of saying what he means). It can be argued that the " Indecent Language " byelaw extends only to language or gestures, and such acts of indecency as are capable of being solicited. However, the word " indecent " means, etymologically, " unbecoming," and urinating in an urban area where many people of both sexes are in sight is, doubtless, unusual in this country and therefore " unbecoming," and so " indecent " within the meaning of the county byelaw. On this reasoning, a conviction might perhaps be upheld by the Divisional Court, though we think the matter decidedly arguable.

2.—Children and Young Persons—*Order under s.* 63 (1) (*b*) *of* 1933 *Act—Presence of child or young person.*

I should be grateful if I could receive an answer to the following question :

Where a court, other than a juvenile court, decides to exercise jurisdiction under the above section, is it—(*a*) desirable, (*b*) essential—that the child or young person concerned (other than, say, a child under five) be present when such jurisdiction is exercised ?

There seems to be a tendency for courts, other than juvenile courts, to take such action in the absence of the child or young person concerned which, whilst it seems to me contrary to natural justice does not appear contrary to any enactment. SEE.

Answer.

Having regard to the wording of the paragraph, and in particular the words " if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction," it would seem that it is within the discretion of the court to make an order even when the child or young person has not been before the court, possibly by virtue of s. 41. It may often be desirable for the court to see the child or young person, but in the case of young children this may not be so.

3.—Game—*Poaching—Forfeiture of guns, etc.—Whose duty to sell or dispose of articles.*

I should be glad of your valued opinion as to who is responsible for the selling of the guns and other articles directed by the justices to be forfeited and sold in accordance with the terms of s. 2 of the Poaching Prevention Act, 1862. SALE.

Answer.

In our opinion the justices should give a direction under s. 115 of the Magistrates Courts Act, 1952. As the guns, etc., will have been seized by the police it would seem right for the justices to direct the police to sell the guns and account for the proceeds.

4.—Guardianship of Infants—*Legitimacy Act*, 1926—*Powers of magistrates court to make order as to legitimated child.*

Before the marriage of A (wife) and B (husband), C (infant) was born to them in Italy and registered in A's maiden name. A and B later marry in this country and C therefore becomes a legitimated person as from the date of their marriage by virtue of s. 1 (1) of the Legitimacy Act, 1926, but no petition of legitimacy as required by s. 2 of that Act has been presented or declaration made under s. 188 of the Supreme Court of Judicature (Consolidation) Act, 1925.

On an application under the Guardianship of Infants Act, 1925, by A against B for custody and maintenance of C, have the justices jurisdiction ?

In *Colquitt* v. *Colquitt* [1947] 2 All E.R. 50, 111 J.P. 442, it was held that justices had jurisdiction to make an order under the Summary Jurisdiction (Separation and Maintenance) Acts, 1895-1925, as the legitimated child was a " child of the marriage," but apart from a case reported in 109 J.P. 260 where a Guardianship of Infants summons was dismissed, nothing has been found on the point. S.O.T.

Answer.

Assuming that the child's father satisfied the conditions of s. 1 or s. 8 of the Legitimacy Act, 1926, as to domicile, and that the child became legitimated, an order as to his maintenance, as well as custody, can be made. The principle of the case cited applies and s. 6 of the Act is in point. (Section 2 of the Act was repealed by the Matrimonial Causes Act, 1950, *see* now s. 17 of that Act).

5.—Licensing—*Stall of licence-holder at trades fair—Whether orders may be taken at that stall for subsequent delivery from off-licensed premises.*

A trades fair is being held in a building at A. Wine and spirits merchants who hold an off-licence and also own and occupy (by their manager) a fully licensed house at A, would like to have a stand at the fair and would like to be able to take orders at their stand but do not wish to supply intoxicants at the fair.

We should like to know :

1. (*a*) If the said merchants by their servants can take orders at their stall without applying for any licence to do so ?

(*b*) Their representatives travel about the county taking orders in the course of their off-licence business. Can their representatives or servants do the same at a stall without a licence ?

2. If an occasional licence is required they cannot obtain one as off-licence holders, but as they also hold a full licence of a public house at A, presumably they could apply for an occasional licence and if necessary undertake not to supply any intoxicants at the fair as in fact they do not wish to do so.

The secretary of the firm holds all the licences.

It is naturally desired to put the name of the merchants over the stall and not the name of the licence holder or public house if an occasional licence is obtained (the merchants being the owners of the house). Can there be any legal objection to that ? NOL.

Answer.

1. (*a*) We think so ; but great care must be taken to ensure that the place of the appropriation of the intoxicating liquor to the contract of sale is the off-licensed premises. See *Pletts* v. *Beattie* (1896) 60 J.P. 185, and contrast with it the cases of *Stallard* v. *Marks* (1878) 3 Q.B.D. 412, and *Pletts* v. *Campbell* (1895) 59 J.P. 502.

(*b*) We think so, subject to the considerations that we have mentioned in (*a*).

2. If an occasional licence is taken out by the holder of the merchants' on-licence, it would be lawful for the liquor to be appropriated to the contract at the stand at the fair.

We are aware of no legal objection to the merchants' name being placed over the stand that they occupy.

6.—Public Health Acts, 1925 and 1936—*Approval of plans—Improvement line.*

On September 17, 1938, a piece of land in this district was conveyed to Mr. A. The reply dated September 16, 1938, to the search in the local land charges register revealed " No subsisting entries," but enclosed with the certificate of search was a letter from the local land charge registrar saying " There are no entries in the register at the present time, but in accordance with notices already served on owners and occupiers, an improvement and building line will be prescribed on September 23, 1938." On the date mentioned the local authority did prescribe a building and improvement line pursuant to the Roads Improvement Act, 1925, and the Public Health Act, 1925, respectively, and serve the necessary statutory notice on Mr. A.

After the prescription of the building and improvement lines Mr. A submitted a plan of a house proposed to be built on the land and this plan was approved by the local authority on April 5, 1939. A separate plan (copy enclosed) was, at or about the same time at the request

of the local authority, submitted to them and this plan was in respect of an entrance from the highway to the proposed house.

This latter plan was never approved nor rejected by the local authority, although the approval notice received, presumably for the house plan, was headed " for a house," refers in the body of the approval notice to " the plan deposited " and goes on to say they (the council) " approve of the plans subject to the byelaws of the council."

The local authority now propose to carry out the road improvement at the spot in question by widening the road back to the improvement line.

Your valued opinion is asked on the following points :

1. As regards the entrance plan, does s. 64 of the Public Health Act, 1936, operate ?

2. In the circumstances can it be said that the entrance was constructed with the consent of the local authority for the purposes of s. 33 (5) of the Public Health Act, 1925 ?

3. Can such entrance, involving as it does the building of walls, be deemed to be " a building " for the purposes of s. 33 (8) of that Act ?

4. If so, is the local authority prohibited from purchasing for the purpose of road improvement the land on which the entrance stands ?

5. Inasmuch as the improvement line was prescribed after the land was bought but before the house was erected, can injurious affection be claimed in consequence of the land between the highway and the improvement line being purchased by the local authority ?

6. Inasmuch as the plan of the entrance was neither rejected nor specifically approved by the local authority, and particularly as such plan was not approved conditionally in view of the proposed road improvement, can the local authority be held to be negligent and to have contributed to any expense to which Mr. A is to be put in replacing the entrance to his house when the road improvement is carried out, in that the plan should have been approved subject to the entrance ramp and brickwork being constructed behind the improvement line ?

7. In view of the foregoing, alternatively, is it the responsibility of the local authority at their own expense to make good the entrance as now constructed when the road improvement is carried out ? PRY.

Answer.

1. No, in our opinion.

2. Yes, in our opinion. Express consent should have been obtained, but there is some evidence of consent in the approval of building plans and coupled with the absence of any proceedings for a penalty under s. 33 (12) of the Act of 1925, would appear to be sufficient evidence that the authority at least considered that they had consented.

3. No. It is not a building but is an erection within the section.

4. No.

5. Yes. The right to injurious affection arises apart from the erection of the house. The injurious affection will, however, be only in respect of the site and not in respect of the building on the site ; *see* s. 33 (6), and betterment must be taken into account ; *see* s. 33 (10). There may also be a claim under s. 63 of the Lands Clauses Act, 1845, on the purchase of the land in respect of severance and injurious affection of the land not taken but betterment in this case also must be taken into account ; *see* s. 33 (10). The limitation in s. 33 (6) will not, however, apply to such injurious affection.

6. No, in our opinion. Even if there had been express consent to the erection of the entrance, the owner knew that it must be only temporary.

7. No, in our opinion.

7.—Road Traffic Acts—*Pedestrian crossings—Person pushing a bicycle as a pedestrian.*

At the X court recently a motorist was proceeded against under reg. 4 of the Pedestrian Crossing Regulations, 1951, for not allowing precedence to a foot passenger at an uncontrolled crossing. The evidence showed that the foot passenger, who was pushing a bicycle, went over the crossing and when some part of the way over was knocked down by the defendant who was driving a car.

On behalf of the car driver it was submitted there was no case to answer on the ground that a man pushing a bicycle is not a pedestrian. In support of this contention it was argued that in some cases, as for instance under s. 49 of the Road Traffic Act, 1930, a pedestrian is not liable for proceedings for disregarding traffic signals, but a person walking and pushing a bicycle is liable ; and that as it has been held that a bicycle is a vehicle, a person in charge of a cycle whether riding or walking and propelling it by hand, is not a pedestrian.

I shall be obliged by your opinion as to whether you think this contention is correct. J.C.L.A.

Answer.

We think that a person pushing a bicycle is not a pedestrian, but is a person in charge of a vehicle. If this is not so a cyclist is able to change his status and his obligations to obey traffic signs in a most bewildering way at any time that it suits his convenience to do so, and regardless of the effect of his conduct on other traffic. This does not mean, necessarily, that the car driver in this case did not commit some other offence.

8.—Waterworks Clauses Act, 1863, s. 18—*Watering gardens.*

A waterworks undertaking issues summonses under s. 18 of the Waterworks Clauses Act, 1863. In each case the allegation is that the person summoned, not having from the undertakers a supply of water for other than domestic purposes, has used water supplied to him (or her) by the undertakers for other than domestic purposes, *viz.*, for watering gardens by means of a hose. By s. 12 of the Act water used for gardens is not used for domestic purposes. In each case the person summoned is the householder, but the evidence in some of the cases shows that the person actually caught watering the garden is someone other than the householder (a son, or wife, or lodger).

In all those cases the prosecution admit that the householder was not actually present when the son, wife, or lodger is caught watering the garden, and they are unable to show that the householder himself has any knowledge that the watering is going on. The undertakers contend that it is not necessary for the occupier personally to use the hosepipe or to be present when it is in use, or for them to show that he knew that it was in fact in use. They contend that it is sufficient for them to show that he is the occupier, and, as such, the person supplied with the water ; that it is his garden which is being watered, and that he is the person rated for water rate. Can the householder be convicted in these circumstances, *i.e.*, when the water is used by a son, etc., in the absence of the householder ? If not, can the actual user be successfully prosecuted, and if so, with what offence should he be charged, bearing in mind the fact that no water is supplied to the actual user by the undertakers ? POUR.

Answer.

The actual user may be convicted under s. 18 of the Act of 1863. He falls within the double negative of the section, which reads " any person not having . . . a supply . . . for other than domestic purposes " : *cp. Brock* v. *Harrison* (1899) 63 J.P. 455. The occupier could also be convicted if he gave instructions for the improper use, or knew of the use and did nothing to prevent it.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

TRENT RIVER BOARD

Appointment of Assistant Solicitor

APPLICATIONS are invited from admitted Solicitors for this appointment at a salary in accordance with Grade IX of the National Scale (£815 to £935). The commencing salary on this scale will be fixed according to applicant's experience.

There are prospects of promotion to higher grades and there are opportunities for experience in a variety of branches of work (e.g., *Parliamentary, conveyancing, compulsory purchases, advocacy in the Courts and at Public Inquiries, common law and other Actions and administrative Committee work*).

Previous experience with a local authority not necessarily essential. The appointment is subject to the Local Government Superannuation Acts.

Applications, containing information as to age, qualifications and experience, accompanied by copies of two testimonials, should be sent to the undersigned, not later than Friday, September 4, 1953.

JOHN HIRST, Solicitor,
Clerk of the Board.

206, Derby Road,
Nottingham.

CITY OF SHEFFIELD

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the above appointment.

Applicants must be not less than 23 years nor more than 40 years of age.

The appointment will be subject to the Probation Rules, 1949, and the salary will be in accordance with the prescribed scale.

The successful applicant will be required to pass a medical examination.

Applications, stating age, present position, qualifications and experience together with copies of three recent testimonials, should be addressed to me within fourteen days from the publication of this advertisement.

LESLIE M. PUGH,
Secretary to the Probation Committee.

The Court House,
Sheffield, 3.

WEST SUSSEX MAGISTRATES' COURTS COMMITTEE

Appointment of Justices Clerk's Assistant

APPLICATIONS are invited for the appointment of a whole-time Assistant to the Clerk of the Justices. Applicants must have had considerable magisterial experience, be competent shorthand-typists, capable of issuing process, keeping the accounts, and taking an occasional second Court.

The appointment will be made on the salary scale £495×£15—£540 per annum. Commencing salary according to experience.

The appointment which is superannuable will be subject to one month's notice on either side and the successful candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, to be accompanied by three recent testimonials, should be addressed in the first instance to Francis F. Haddock, Clerk to the Justices, 14 Carfax, Horsham, to reach him not later than September 5, 1953.

T. C. HAYWARD,
Clerk to the Magistrates' Courts Committee.

County Hall,
Chichester.

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